

In re application of: Carl P. Gusler	§	Group Art Unit: 2457
	§	
Serial No.: 09/935,396	§	Examiner: LaShonda T. Jacobs
	§	
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	§	

For: METHOD AND SYSTEM FOR
AUTOMATED PROJECT
ACCOUNTABILITY

Commissioner for Patents
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SUPPLEMENTAL REPLY BRIEF

This correspondence is a reply brief to the Examiner's Answer dated May 5, 2010. Under the Grounds of Rejection section of the Examiner's Answer (pages 3-6), the Examiner's remarks appear to be repeatedly directed to the application of 35 U.S.C. § 112 paragraphs 2 and 6.

The Examiner states the following new grounds of rejection:

Claims 9-15 are rejected under 35 USC § 112, paragraph 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) recites/recite the following means (or step) plus function limitation:

Claim 9

- means for determining at least one decision maker of a project preparation;
- means for determining a readiness category for the decision maker;
- means for providing a readiness category rating for the readiness category;
- means for determining a decision process for the readiness category and readiness category rating;
- means for conducting a project assessment as a function of the decision process;
- means for determining a project readiness as a function of the project

assessments.

Claim 10

- means for assigning vote weighting to the decision maker.

Claim 11

• means for changing a project management application graphical interface, as a function of the project assessment.

Claim 12

• means for assigning a time limit in association with the project assessment and the project readiness.

Claim 13

• means for providing a collaborative environment for the decision maker.

Claim 14

- means for providing project information from a project creator;
- means for accessing a data repository;
- means for retrieving a list from the data repository;
- means for selecting a project decision maker as a function of the project information and list; and
- means for selecting at least one contributing decision maker as a function of the project information, list and project decision maker.

Claim 15

- means for providing technical information from the project creator; and
- means for providing security information from the project creator.

Examiner's Answer dated May 5, 2010, pages 3-4.

35 USC § 112, paragraph 6, requires such claim to be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section § 112." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ 1845, 1850 (Fed. Cir. 1994)(in banc.). For a computer implemented means-plus-function claim limitation that invokes 35 USC § 112, paragraph 6, the corresponding structure is required to be more than simply a general purpose computer. *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d 1328, 1333, 86 USPQ2d 1235, 1239-40 (Fed. Cir. 2008). The corresponding structure for a computer implemented function must include the algorithm as well as the general purpose computer. *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339, 51 USPQ2d 1385 (Fed. Cir. 1999). The written description must at least disclose the algorithm that transforms the general purpose microprocessor to a special purpose computer programmed to perform the claimed function. *Aristocrat*, 521 F.3d at 1338, 86 USPQ2d at 1242.

Examiner's Answer dated May 5, 2010, page 4.

The Examiner adds:

While the particular results are described in some cases, such does not constitute an algorithm as to how to obtain the results.
Examiner's Answer dated May 5, 2010, page 5.

"In order to satisfy the written description requirement, the disclosure as originally filed does not have to provide *in haec verba* support for the claimed subject matter at issue." *Purdue Pharma L.P. v. Faulding Inc.*, 230 F.3d 1320, 1323 (Fed. Cir. 2000). A disclosure provides adequate written description if it conveys with reasonable clarity to those skilled in the art that the inventor was in possession of the invention.

"[A patentee] was not required to produce a listing of source code or a highly detailed description of the algorithm to be used to achieve the claimed functions in order to satisfy 35 U.S.C. § 112 ¶ 6. It was required, however, to at least disclose the algorithm that transforms the general purpose microprocessor to a 'special purpose computer programmed to perform the disclosed algorithm.'" *Aristocrat Technologies, Inc. v. International Game Technology*, 521 F.3d at 1338, 86 USPQ2d at 1242 (quoting *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d at 1349).

1. Claim 9:

As to claim 9, the Examiner states:

Claim 9 is directed to automated project accountability. No algorithm is disclosed showing the basis for determining a decision maker (Note: A person is not a means). The disclosure does not disclose any algorithm for determining a readiness category; for providing a readiness category, or a rating for the readiness category (no algorithm describes any rating); for determining a decision process for the readiness category and readiness category rating (no algorithm describes how to compute which weight to assign to voters, or how to collect vote data, etc.; for conducting a project assessment as a function of the decision process and for determining a project readiness as a function of the project assessments.

Examiner's Answer dated May 5, 2010, page 4.

An algorithm is defined as follows:

Algorithm: a procedure for solving a mathematical problem (as of finding the greatest common divisor) in a finite number of steps that frequently involves repetition of an operation; broadly: a step-by-step procedure for solving a

problem or accomplishing some end esp. by a computer
Merriam-Webster's Collegiate Dictionary, Eleventh Edition, Copyright 2004.

One or more features of claim 9 are accomplished by the computer system described in **Figure 1** and the specification:

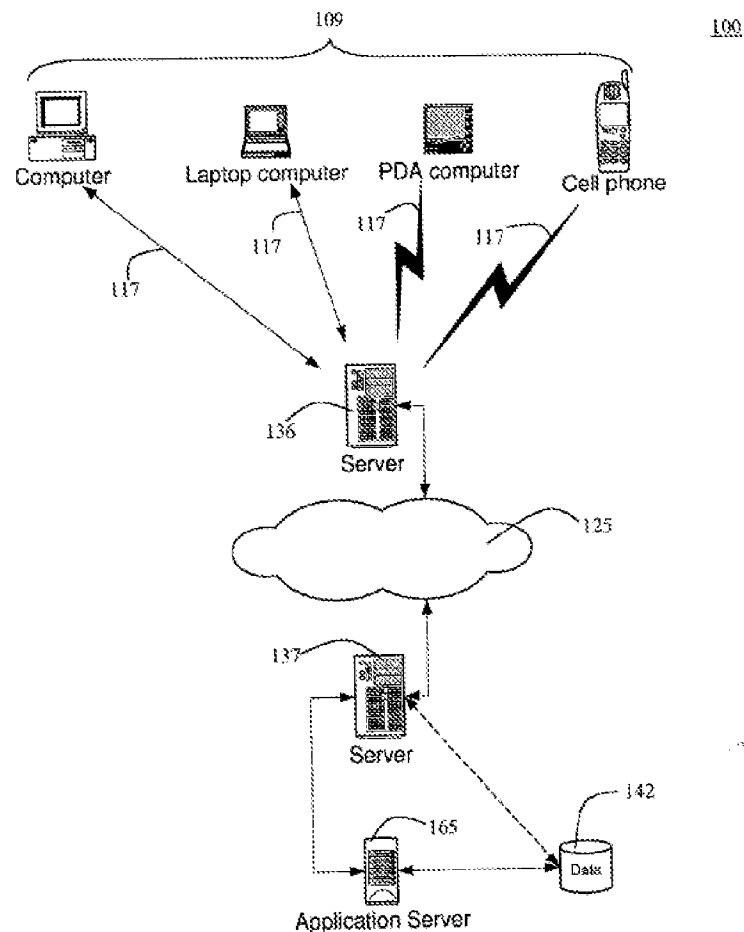


FIG. 1

Specific algorithms for each of the “means for” limitations of claim 9 are further described, below. Importantly, Applicant will point to passages in the specification that recite structure, material, or acts in such detail that one of ordinary skill in the art will understand the scope of each means or step limitation in the rejected claims.

A. means for determining at least one decision maker of a project preparation

The specification describes:

The embodiment of the invention shown in FIG. 2 utilizes a network application, which may be the PMA, in operation on the application server 165. The project creator may begin the project preparation 210 **by activating** a button, command, icon or alternative form of program activation known in the art, within the PMA. Upon activation, the project preparation process 200 may **require the determination** of who the decision makers 220 for the project will be. The decision makers may include a project decision maker, a contributing decision maker, and a participant decision maker. For one embodiment of the invention, the project decision maker may be the project creator, or an alternative individual may **be assigned by the project creator** as chosen from a list of people, staff, and managers whose information may be stored in the database 142.

Specification, page 6, lines 5-16 (emphasis added).

The decision maker determination 300 may **retrieve** a list of people, staff, or managers from a database 345 or similar data repository. The list can **be presented** by the PMA for the selection of a project decision maker 340. In an alternative embodiment, the list may be extracted from collaborative software's address book of all staff, of management team, etc. A further embodiment may **automatically choose** the best person from the list using preset criteria such as a query cross referencing peoples previous project, education, or management level against general project information and security options. Additionally, the project creator might **require additional contributing decision makers** 350, from which the project creator, or an automated function, may repeat the selection step 340.

Specification, page 13, lines 2-12 (emphasis added).

The algorithm, as described above, comprises at least the two steps of (1) activation of the Project Management Application (PMA), and further a (2) requirement of a determination of the decision maker. Further steps can include (3) presenting the list of people, etc., all of which is described in the specification, above. Additional options and details for the algorithm are written in the specification in text and/or figures. For example, (4) retrieving a list of people; (5) automatically choosing the best person using preset criteria; (6) obtaining additional contributing decision makers, e.g., by repeating steps. One or all of these steps may be performed entirely or in part by Project Management Application executing on one or more of servers **136, 137, 165**, clients **109**, etc. shown for example in **Figure 1**. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

B. means for determining a readiness category for the decision maker

The specification describes:

An additional embodiment of the invention may allow the project decision maker to assign one or more readiness categories to each contributing decision maker. Again, a **button**, command, or icon within the PMA may be **selected** which may result in the various contributing decision makers' **receiving notification** of their delegated categories. With the readiness categories and decision weights assigned, the appearance and behavior of each decision maker's PMA may change appropriately. Throughout the project preparation process 200, one embodiment of the invention allows for any senior member of the decision makers to provide additional authority to another decision maker of equal or lesser stature.

Specification, page 2, lines 19-28 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) receiving a button, command or icon selection; and (2) receiving (and/or transmitting) notification of delegated categories by contributing decision makers. Further, at least implicitly, steps may include (3) delegating to contributing decision makers; and (4) displaying the button, etc. Additional options and details for the algorithm are written in the specification in text and/or figures. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

C. means for providing a readiness category rating for the readiness category

The specification describes:

Within one embodiment of the invention, the project decision maker may serve as moderator and provide any final decisions. The collaborative mechanism may be used to build readiness categories as well as provide rating levels for each application and task 230.

Specification, page 6, lines 30-31 through page 7, lines 1-4.

In one embodiment of the invention, the project decision maker may select, edit, create and approve the various readiness categories after the collaborative building of the readiness categories with their rating levels. When completed, a button, command, or icon within the PMA may **be activated** to provide an authentication and certification mechanism **to record**, confirm, and acknowledge finalization of the readiness categories and associated ratings.

Specification, page 7, lines 5-10 (emphasis added).

The algorithm, as described above, comprises at least the two steps of (1) activating buttons, icons, etc. as a way to receive ratings for readiness categories; and (2) recording the readiness category rating for the readiness category. Additional options and details for the algorithm are written in the specification in text and/or figures. For example, a further step (3) can be using the project decision maker as a moderator and provide final decisions. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

D. means for determining a decision process for the readiness category and readiness category rating

The specification describes:

In one embodiment of the invention, the project decision maker may **select, edit, create and approve** the various readiness categories after the collaborative building of the readiness categories with their rating levels. When completed, a button, command, or icon within the PMA may be **activated** to provide an authentication and certification mechanism to record, confirm, and acknowledge finalization of the readiness categories and associated ratings. Specification, page 7, lines 5-10 (emphasis added).

The project decision maker next designates a decision process 240 by **assigning** "vote weighting" to each contributing and participant decision maker. Specification, page 7, lines 11-12 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) selecting readiness categories; (2) editing readiness categories; (3) creating readiness categories; (4) approving readiness categories; (5) activating a button, etc. Additional options and details for the algorithm are written in the specification in text and/or figures. For example, (6) assigning vote weighting. Within the context of the disclosure, one of ordinary skill in the art understands each of the steps entails a reciprocal operation by the PMA that includes receiving selections via user interfaces of readiness categories that may correspond with human-made selections. Similarly, creation and approval steps occur by way of human entry to user interfaces – and therefore a reciprocal receiving of such input by the PMA. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

E. means for conducting a project assessment as a function of the decision process

The specification describes:

The project preparation process 200 may next conduct project assessments 260. The project assessment process may begin with the project decision maker **scheduling** one or more assessment period, and **distributing the scheduling** to the associated readiness categories. A button, command, or icon may **be selected**, and the various contributing decision makers' may **receive notification** of the assessment schedule delegation. The PMA graphical interface appearance and behavior may change to accommodate the new tasks and requirements for each affected decision maker.

Specification, page 8, lines 20-27 (emphasis added).

The algorithm, as described above, comprises at least the steps (1) scheduling an assessment period; (2) distributing the scheduling to associated readiness categories; (3) selecting (or receiving a selection for) a button, etc.; (4) each decision maker receiving notifications (5) changing the Project Management Application (PMA) graphical interface to accommodate each decision maker. Additional options and details for the algorithm are written in the specification in text and/or figures. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

F. means for determining a project readiness as a function of the project assessments

The specification describes:

At the **predetermined time**, one embodiment of the invention may open a function processing at least one project assessment transaction for the associated participants. A project assessment may be any assessment within a project, and may be used to determine the amount of a required transaction (task) completed at a specified time. The participating decision makers (participants) may **be presented** with various managerial and project information, and may **be reminded** of the categories and readiness ratings. The participants may **be required to select** one schedule rating of completion from an approved schedule ratings representative of the associated categories readiness. Additionally, they may **be asked to provide information, rationale, or justification** for their assessment. A deadline for completing an assessment may **be enforced** in one embodiment of the invention. After each participant makes his or her **assessment**, an authentication and certification mechanism **could be used** at this point to

record, confirm, and acknowledge assessment.
Specification, page 9, lines 1-15 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) awaiting the predetermined time; (2) presenting decision makers with managerial and project information; (3) reminding the decision makers of categories and readiness ratings; (4) requiring selection of schedule ratings from approved schedule ratings; (5) asking decision makers to provide information, rationale and justifications for assessments; (6) enforcing a deadline for completing assessments; and (7) receiving such assessments to record confirm and acknowledge the assessments. Additional options and details for the algorithm are written in the specification in text and/or figures. For example, the PMA may (8) remind the decision makers of the categories and readiness ratings. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

One or all of these recited claim limitations may be performed entirely or in part by Project Management Application executing on one or more of servers **136, 137, 165**, clients 109, etc. shown for example in **Figure 1**. In addition PMA may interact with and be supported by such applications including, for example, Lotus Notes, Microsoft Outlook, Netscape Netmeeting, Internet chat rooms, bulletin boards, e-mail, teleconferences, as further described in the specification to accomplish each of the “means for” features recited in the claims. Accordingly, the Board of Patent Appeals and Interferences (hereinafter ‘Board’) will find adequate written description, since Applicant has shown that the specification conveys with reasonable clarity to those skilled in the art that the inventor was in possession of the invention

The Applicant has shown specific algorithmic steps recited in the specification, or made plain in the accompanying figures. Moreover, corresponding structure, material or acts for performing the claimed functions are noted in detail, above, with specific citation to the specification. Accordingly, it is respectfully urged, that the Board reverse the rejection of claim 9 under 35 U.S.C. § 112, paragraph 2.

2. Claim 10:

As to claim 10, the Examiner states:

The disclosure does not describe any algorithm for assigning vote weighting in claim 10. While a simple majority is described, no algorithm describes the basis for assigning weights.

Examiner's Answer dated May 5, 2010, page 6.

Claim 10 recites, "means for assigning vote weighting to the decision maker."

Corresponding structure and algorithm is present in the specification:

The project decision maker next designates a decision process 240 by **assigning** "vote weighting" to each **contributing** and **participant decision maker**. The decision process may include such **options** as unanimous, simple majority, percentage majority (such as two thirds required,) points system, super-voter (where certain key individuals must vote yes to proceed,) and other options and rules. When completed, a button, command, or icon within the PMA may be activated to provide an authentication and certification mechanism to record, confirm, and acknowledge finalization.

Specification, page 7, lines 11-18 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) assigning vote weighting to each contributing decision maker (2) assigning vote weighting to each participant decision maker; and (3) selecting options such as unanimous, simple majority, or percentage majority, points system, super-voter, and other options and rules. Additional options and details for the algorithm are written in the specification in text and/or figures. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

3. Claim 11:

As to claim 11, the Examiner states:

The disclosure does not describe any algorithms to support changing an interface as a function of any assessment, or how an assessment occurs in claim 11. While an icon is described, no algorithm describes the functions noted.

Examiner's Answer dated May 5, 2010, page 6.

Claim 11 recites, "means for changing a project management application graphical interface, as a function of the project assessment." Corresponding structure and algorithm is present in the specification:

The various participants selected may then **receive the project information** and their corresponding responsibility. In an alternative embodiment of the invention, **a new icon may be received** in the collaborative software PMA graphical interface, which may open a new collaboration mechanism to include the participants. In one embodiment, the participants may accept the project,

review project and managerial information, and review scheduling. If accepted, a button, command, or icon may be selected, authenticating and certifying the confirmation and acceptance.

The project preparation process 200 may next conduct project assessments 260. The project assessment process may begin with the project decision maker scheduling one or more assessment period, and distributing the scheduling to the associated readiness categories. A button, command, or icon may be selected, and the various contributing decision makers' may receive notification of the assessment schedule delegation. The PMA graphical interface appearance and behavior may change to **accommodate the new tasks and requirements** for each affected decision maker.

Specification, page 8, lines 12- 27(emphasis added).

The algorithm, as described above, comprises at least the steps (1) receiving (from the PMA) the project information; (2) PMA displaying a new icon; (3) accommodating new tasks, e.g. onto a display. Additional options and details for the algorithm are written in the specification in text and/or figures. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

As to claim 12-15, the Examiner states:

Similar to the analysis above, the disclosure does not describe any algorithms to support the means functions recited in claims 12-15. While the particular results are described in some cases, such does not constitute an algorithm as to how to obtain the results

Examiner's Answer dated May 5, 2010, page 6.

4. Claim 12

Claim 12 recites, "means for assigning a time limit in association with the project assessment and the project readiness." Corresponding structure and algorithm is present in the specification:

The project assessment process may begin with the project decision maker **scheduling** one or more assessment period, and **distributing** the scheduling to the associated readiness categories. A button, command, or icon may be selected, and the various contributing decision makers' may receive notification of the assessment schedule delegation.

At the predetermined time, one embodiment of the invention may **open a function processing** at least one project assessment transaction for the associated participants.

Specification, page 8, lines 20-27 through page 9, lines 1-4 (emphasis added).

After making and recording the group's overall assessment, the project

decision maker can make the decision whether to proceed with the project commencement 270, delay the project, **reschedule** the project, or some other decision.

Specification, page 11, lines 12-15 (emphasis added).

If the decision is to proceed, the PMA may permit the project decision maker to **manually schedule** assessment dates and continue the assessment cycle for any ignored, failed or delayed assessments, and the project preparation process 200 may again return to the conduct project assessment 260 level before continuing.

Specification, page 11, lines 25-29 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) scheduling by the project decision maker; (2) distributing such scheduling to the readiness categories; (3) responsively opening a function processing at the predetermined time so that at least one project assessment transaction is processed. Additional options and details for the algorithm are written in the specification in text and/or figures, for example, (4) rescheduling and/or (5) manually scheduling assessment dates. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

5. Claim 13

Claim 13 recites, “means for providing a collaborative environment for the decision maker.”

Corresponding structure and algorithm is present in the specification:

Upon activation of the PMA, one embodiment of the invention may provide a team collaborative environment such as Lotus Notes, Microsoft Outlook, Netscape Netmeeting, Internet chat rooms, bulletin boards, e-mail, teleconferences, or like discussion environment.

Specification, page 5, lines 18-21.

The collaborative mechanism may **be invoked** between the project decision maker, the contributing decision makers, and the participant decision makers **to review the tentative readiness** of categories, make suggestions, discuss, argue, and persuade. The collaborative mechanism could be an electronic forum (for discussion over long period of time,) or could be a "chat" or instant messaging technology (for focused, short period "real time" discussion.)

Specification, page 6, lines 25-30 (emphasis added).

In one embodiment of the invention, the project decision maker may select, edit, create and approve the various readiness categories after the collaborative building of the readiness categories with their rating levels. When

completed, a button, command, or icon within the PMA may **be activated** to provide an authentication and certification mechanism to record, confirm, and acknowledge finalization of the readiness categories and associated ratings
Specification, page 7, lines 5-10 (emphasis added).

The contributing decision makers may next **select any additional project participants 250** required to complete the readiness assignments. For one embodiment of the invention, a list of people, staff, or managers may be presented by the PMA to the contributing decision makers, for each to make multiple selections from the list. (All lists of people, staff, or managers may also be extracted from the collaborative software's address book of all staff, of management team, of MIS staff, etc.) Again, a button, command, or icon within the PMA may be selected to signify the completion of selected participants.
Specification, page 8, lines 4-11 (emphasis added).

The various participants selected may then receive the project information and their corresponding responsibility. In an alternative embodiment of the invention, a new icon may be received in the collaborative software PMA graphical interface, which may open a new collaboration mechanism to include the participants.
Specification, page 8, lines 12-16.

At the predetermined time, after the appropriate deadlines have passed for participant assessments, the PMA may **open an assessment transaction** within the various contributing decision makers graphical interface.
Specification, page 9, lines 16-18 (emphasis added).

The contributing decision makers may each have the option of invoking a collaborative discussion amongst the participants for their specific category. The collaborative discussion mechanism can be invoked between the project decision maker and all the contributing decision makers to review the participants' assessments, to discuss, argue, and persuade.
Specification, page 9, lines 24-29.

The algorithm operates within the context of the Project Management Application (PMA), supported by collaborative environments as described at in the specification. The collaborative environments are hosted on one or more machines as depicted in **Figure 1**. The 'providing' is the normal powering up, booting, installing, and invoking that is well known even to those outside the technical field of the present invention. These steps are broadly described in a manner that one of ordinary skill in the art would understand. Key signals and explanations are explained at high level as follows. The algorithm, as described above, comprises at least the steps, as well as substeps, described by (1) invoking the collaborative mechanism between

project decision maker and contributing decision makers to review readiness; (2) invoking the collaborative discussion mechanism to review the contributing decision makers' assessments.

Additional options and details for the algorithm are written in the specification in text and/or figures, for example, (3) discussing contributing decision makers' assessments, e.g. by routine operations of the listed collaborative mechanisms; (4) arguing contributing decision makers' assessments, again, by routine operations of the listed collaborative mechanisms; and/or (5) persuading contributing decision makers' assessments. Many choices for embodiments are provided, namely, Lotus Notes, Microsoft Outlook, Netscape Netmeeting, Internet chat rooms, bulletin boards, e-mail, teleconferences, or like discussion environment. Still further options to providing the collaborative environment can include (6) selecting additional project participants; and (7) opening assessment transactions with such participants. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature. Further, supporting structure at least at paragraph 0013, describing, among other things, the network servers **136** and **137**, as well as communications devices **109**, which may include network workstations, mainframe slave stations, personal computers, laptop computers, PDA (Personal Digital Assistant) computers, cell phones, and any other device used for network communications. Each such device, either alone, or in coordination with other devices can accomplish the algorithm described above using supporting features present in the discussion environments described.

6. Claim 14

Claim 14 recites, “means for providing project information from a project creator”.

Corresponding structure and algorithm is present in the specification:

The project creator may begin the project preparation 210 by **activating a button, command, icon** or alternative form of program activation known in the art, within the PMA. Upon activation, the project preparation process 200 may require the determination of who the decision makers 220 for the project will be. The decision makers may include a project decision maker, a contributing decision maker, and a participant decision maker. For one embodiment of the invention, the project decision maker may be the project creator, or an alternative individual may be assigned by the project creator as chosen from a list of people, staff, and managers whose information may be stored in the database 142. Specification, page 6, lines 7-16 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) activating by the project creator, a button, etc. (2) Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

Claim 14 recites, “means for accessing a data repository”. Corresponding structure and algorithm is present in the specification. In particular, the following passage shows at least the hardware necessary, as well as appropriate interconnect and, where needed suitable software:

The communications devices 109 may be in communication with a network server 136 or 137 through a wire or wireless network link (networks or systems) 117 that may include telephone or televisions systems, integrated services digital network (ISDN) systems, coaxial lines, computer networks, digital end user lines, private networks, wireless local loop systems, etc. The network server 136 of the network-based system 100 may be in communication with, but not limited to intranets, extranets, a local area network, a wide area network, and a telephone network (e.g., a public switched telephone network (PSTN), private telephone networks, etc.). In another embodiment of the invention, the network server 136 may communicate 125 with additional network servers 137 through a cellular network, satellite networks, a personal communication system, a TV network (e.g., a cable TV system), local, regional, national or global paging networks, and a wireless data network (e.g., satellite data or local wireless data networks). Further, the network server 136 communications 125 may include an e-mail system, a wireless LAN, a wireless local loop/distribution system, (e.g., LMDS. MMDS or Code Division Multiple Access (CDMA) based systems), a Voice-Over Internet Protocol (VOIP) network, the Internet, or any other similar on-line service. The network server 137 may include, or be in communication with an application server 165, hosting one embodiment of the invention. Additionally, the network server 137 may include or be in communication with a data storage device (database) 142.

Specification, page 4, lines 19-31 through page 5, lines 1-10.

The Examiner additionally states:

As per claims **14** and **21**, Frye discloses ...; **accessing a data repository**; ... (paragraphs 0031 and 0040, Frye discloses different stage approvers to review and decide whether the program (project) is ready to advance to the next stage).

Examiner’s Answer dated May 5, 2010, page 12 (emphasis added).

The algorithm, as described above, comprises at least an algorithm of normally accessing data from a database, that is well known, as evidenced by at least the teachings of Frye, which are representative of what is known to a person of ordinary skill in the art. Accordingly, the depiction in **Figure 1** is sufficient to appraise one of ordinary skill in the art an algorithm for use

in the claimed feature. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

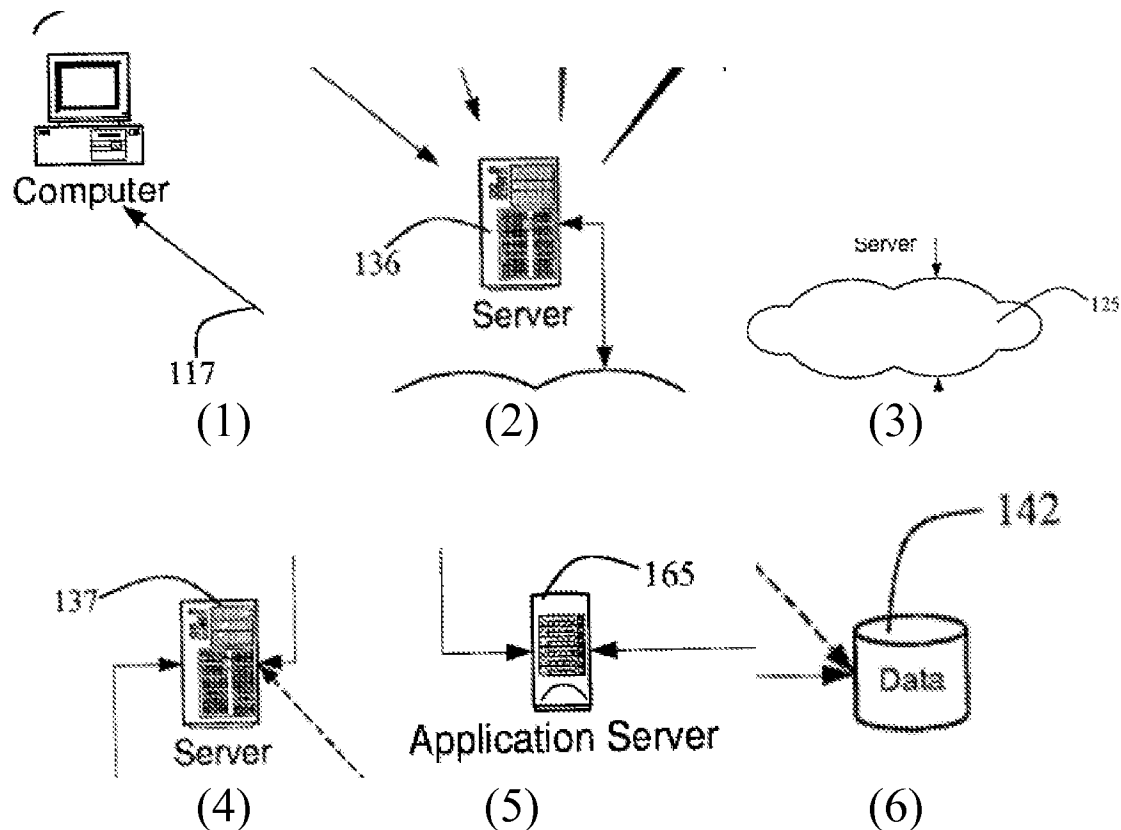
Claim 14 recites, “means for retrieving a list from the data repository”. Corresponding structure and algorithm is present in the specification:

Communicating with the network-based system 100 through the communications device 109, the project creator may assess the preparation or prerequisites of the project prior to its implementation.
Specification, page 5, lines 25-28.

For one embodiment of the invention, the project decision maker may be the project creator, or an alternative individual may be assigned by the project creator as chosen from a list of people, staff, and managers whose information may be stored in the database 142. At least one contributing decision maker may be assigned to at least one application that is required for the projects preparation process, or for its implementation. Participant decision makers may be assigned as responsible for individual tasks within an application. The contributing decision makers and the participant decision makers may also be selected from the list of people, staff, and managers whose information may be stored in the database 142.
Specification, page 6, lines 13-16.

The decision maker determination 300 may retrieve a list of people, staff, or managers from a **database 345** or similar data repository. The list can be presented by the PMA for the selection of a **project decision maker 340**. In an alternative embodiment, the list may be extracted from collaborative software's address book of all staff, of management team, etc. A further embodiment may automatically choose the best person from the list using preset criteria such as a query cross referencing peoples previous project, education, or management level against general project information and security options.
Specification, page 13, lines 1-9 (emphasis added).

Below, specific portions of **Figure 1** are highlighted in a chain or sequence of steps that support and describe the algorithm:



The algorithm, as described above, comprises at least the steps of (1) project creator communicates from computer/communication-device **109**, e.g. a computer; (2) server **136** relays the signal or a signal based on #1; (3) communications and/or network **125** relays or otherwise propagates signal; (4) server **137** advances the progress of the signal, or signals based thereon; (5) application server **165** further propagates; (6) database **142** receives and responds accordingly. Additional options and details for the algorithm are written in the specification in text and/or figures, for example, returning data from the database by reliance on at least one of the links just mentioned, to, for example, the project creator. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

Claim 14 further recites, “means for selecting a project decision maker as a function of the project information and list”. Corresponding structure and algorithm is present in the specification:

The decision maker determination 300 may **retrieve** a list of people, staff, or managers from a database 345 or similar data repository. The list can be

presented by the PMA for the selection of a project decision maker 340. In an alternative embodiment, the list may be extracted from collaborative software's address book of all staff, of management team, etc. A further embodiment may **automatically choose** the best person from the list using preset criteria such as a query cross referencing peoples previous project, education, or management level against general project information and security options. Additionally, the project creator might **require additional contributing decision makers** 350, from which the project creator, or an automated function, may repeat the selection step 340. Specification, page 13, lines 1-12 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) retrieving a list of people; and (2) choosing from among the people a decision maker. Additional options and details for the algorithm are written in the specification in text and/or figures, for example, (3) automating step #2; or (4) selecting contributing decision makers. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

Claim 14 further recites, “means for selecting at least one contributing decision maker as a function of the project information, list and project decision maker.” Corresponding structure and algorithm is present in the specification:

The decision maker determination 300 may **retrieve** a list of people, staff, or managers from a database 345 or similar data repository. The list can be presented by the PMA for the selection of a project decision maker 340. In an alternative embodiment, the list may be extracted from collaborative software's address book of all staff, of management team, etc. A further embodiment may **automatically choose** the best person from the list using preset criteria such as a query cross referencing peoples previous project, education, or management level against general project information and security options. Additionally, the project creator might **require additional contributing decision makers** 350, from which the project creator, or an automated function, may repeat the selection step 340. Specification, page 13, lines 1-12 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) retrieving a list of people; (2) choosing from among the people a decision maker; and (3) selecting contributing decision makers. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

7. Claim 15

Claim 15 recites, “means for providing technical information from the project .”

Corresponding structure and algorithm is present in the specification:

FIG. 3 illustrates a flowchart representation of one embodiment for the decision maker determination 220 of FIG. 2. In this embodiment, the decision maker determination 300 may begin 310 with general project information entered within the PMA 320. Another embodiment of the invention may include entering information about the importance of the project to the enterprise, and a management commitment level illustrating the level of commitment to be taken for a project not to be attempted until readiness is validated. Additionally, various **technical options may be set** 330, such as frequency of participant notifications and reminders, acceptable periods for participant response and completion of tasks, etc.

Specification, page 12, lines 15-24 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) receiving general project information; and (2) receiving technical options; Additional options and details for the algorithm are written in the specification in text and/or figures, for example, (3) providing reminders, if a reminder technical option frequency was set, and (4) scheduling, in the case an acceptable period for response, tasks, etc. was set. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

Claim 15 further recites, “means for providing security information from the project creator .” Corresponding structure and algorithm is present in the specification:

FIG. 3 illustrates a flowchart representation of one embodiment for the decision maker determination 220 of FIG. 2. In this embodiment, the decision maker determination 300 may begin 310 with general project information entered within the PMA 320. Another embodiment of the invention may include entering information about the importance of the project to the enterprise, and a management commitment level illustrating the level of commitment to be taken for a project not to be attempted until readiness is validated.

Specification, page 12, lines 15-21.

Additionally, various **security options can be selected** and set, such as participant **authentication** methods, **distribution** and collection of **certificates**, **encryption**, and other security settings known in the art.

Specification, page 12, lines 24-26 (emphasis added).

The algorithm, as described above, comprises at least the steps of (1) selecting authentication methods, (2) selecting distribution of certificates; (3) selecting collection of certificates; (4) selecting encryption. Accordingly, Applicants have described a step-by-step procedure for solving a problem, and thus the algorithm for accomplishing this claim feature.

Applicant relies on the argument and reasoning in the Appeal Brief, filed May 27, 2009, as applying to further rejections and objections presented in the Examiner Answer, dated May 5, 2010.

Accordingly, for the above reasons and for the reasons set forth in the Appeal Brief, filed May 27, 2009, it is respectfully requested that the Final Rejection, dated February 11, 2009, be reversed, and that claims 1-22 be found in a condition for allowance.

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